

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBIN PROCTOR,

Petitioner,

v.

NAJERA,

Respondent.

Case No. 2:22-cv-00684-MMD-EJY

ORDER

On June 29, 2022, the Court dismissed Robin Proctor's *pro se* 28 U.S.C. § 2254 habeas petition without prejudice for failure to comply with this Court's order to pay the filing fee, and judgment was entered on June 30, 2022. (ECF Nos. 5, 6.) On July 19, 2022, Proctor filed a motion requesting a second chance to comply with regards to the nonpayment issue. (ECF No. 7.) She informs the Court that initially she thought that the prison would automatically deduct the fee from her account. Thereafter, she was waiting for her "brass slip"—the form inmates submit to request disbursement of funds from their inmate account—to be processed. Proctor also states that she was quarantined due to COVID-19 exposure and additionally suffered a stomach illness that apparently required seeing outside physicians. She advises that she is attempting to comply with this Court's order and seeks additional time.

While confusion over the prison payment process is not ordinarily good cause for failure to comply, the Court finds that the combination of circumstances outlined above, including the continued challenges of the COVID-19 pandemic, constitute good cause here. Accordingly, the Court will vacate its order dismissing the petition without prejudice. Proctor now has 30 days to pay the filing fee or submit a new, fully completed application to proceed *in forma pauperis* if she lacks sufficient funds to pay the \$5.00 fee. Proctor

1 should file a notice with this Court if circumstances arise that prevent her from complying
2 with this order within 30 days.

3 It is therefore ordered that this Court's order dismissing this action without
4 prejudice (ECF No. 4) is vacated.

5 It is further ordered that Proctor's motion requesting second chance to pay the
6 filing fee (ECF No. 7) is granted.

7 It is further ordered that Proctor has 30 days from the date of this order—no later
8 than August 19, 2022—to either pay the \$5.00 filing fee or submit a new, fully completed
9 application to proceed *in forma pauperis*, including a completed financial certificate and
10 inmate account statements from the last six months.

11 It is further ordered that if Proctor fails to either pay the fee or submit a renewed
12 application to proceed *in forma pauperis* within 30 days, the Court may dismiss her
13 petition without prejudice.

14 DATED THIS 21st Day of July 2022.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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